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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Waymo LLC,
Plaintiff,
v.
Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,
Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF HONG-AN VU IN
SUPPORT OF MOTION IN LIMINE NO.
26 TO EXCLUDE REFERENCE TO
DOWNLOADING OF 14,000 FILES**

Courtroom: 8 - 19th Floor
Judge: Hon. William Alsup
Hearing Date: September 20, 2017
Hearing Time: 8:00 a.m.
Trial: October 10, 2017

Filed/Lodged Concurrently with:

1. Motion in Limine to Exclude
2. Proposed Order

DECLARATION OF HONG-AN VU

I, Hong-An Vu, declare as follows:

1. I am an associate of the law firm of Goodwin Procter, LLP, representing defendant Otto Trucking LLC (“OT”) in this matter. I am a member in good standing of the State Bar of California. I make this declaration in support of Otto Trucking LLC’s Motion in Limine No. 26 to Exclude Reference to Downloading of 14,000 Files. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a document produced by Waymo in this litigation, Bates-stamped WAYMO-UBER-00086885.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a document produced by Waymo in this litigation, Bates-stamped WAYMO-UBER-00086893.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a document produced by Waymo in this litigation, Bates-stamped WAYMO-UBER-00084484.

5. Attached hereto as **Exhibit 4** is a true and correct copy of a document produced by Waymo in this litigation, Bates-stamped WAYMO-UBER-00086932.

6. Attached hereto as **Exhibit 5** is a true and correct copy of a document produced by Waymo in this litigation, Bates-stamped WAYMO-UBER-00086907.

7. Attached hereto as **Exhibit 6** is a true and correct copy of a document produced by Waymo in this litigation, Bates-stamped WAYMO-UBER-00086800.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of the September 6, 2017 deposition of Alexander (Sasha) Zbrozek.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of the August 8, 2017 deposition of Gary Brown.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of the deposition of Michael Janosko dated August 25, 2017 based on the local date and time in Sydney Australia, August 24, 2017 based on Los Angeles local date and time.

11. Attached hereto as **Exhibit 10** is a true and correct copy of an email from Jeff Nardinelli to me, among others, dated July 18, 2017.

12. Attached hereto as **Exhibit 11** is a true and correct copy of Waymo's initial disclosures dated April 3, 2017.

13. Attached hereto as **Exhibit 12** is a true and correct copy of Waymo's initial disclosures dated June 21, 2017.

14. Attached hereto as **Exhibit 13** is a true and correct copy of Waymo's initial disclosures dated June 22, 2017.

15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts of the August 24, 2017 deposition of Chris Urmson.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 7th day of September, 2017 in Los Angeles, California.

/s/ Hong-An Vu

HONG-AN VU

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is: 601 S Figueroa Street, 41st Floor

On September 7, 2017, I served the following documents by placing a true copy thereof in a sealed envelope(s) on the persons below as follows:

**DECLARATION OF HONG-AN VU IN SUPPORT OF MOTION IN LIMINE NO.
26 TO EXCLUDE REFERENCE TO DOWNLOADING OF 14,000 FILES**

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21 (MAIL). I placed the envelope for collection and mailing, following our ordinary
22 business practices. I am readily familiar with this firm's practice for collecting and
23 processing correspondence for mailing. On the same day that correspondence is
24 placed for collection and mailing, it is deposited in the ordinary course of business
with the United States Postal Service, in a sealed envelope with postage fully prepaid.
I am a resident or employed in the county where the mailing occurred. The envelope
or package was placed in the mail at Los Angeles, California.

25 (OVERNIGHT DELIVERY). I deposited in a box or other facility regularly
26 maintained by FedEx, an express service carrier, or delivered to a courier or driver
27 authorized by said express service carrier to receive documents, a true copy of the
foregoing document in sealed envelopes or packages designated by the express
service carrier, addressed as stated above, with fees for overnight delivery paid or
provided for.

(E-MAIL or ELECTRONIC TRANSMISSION). Based on a court order or *an agreement of the parties to accept service by e-mail or electronic transmission*, I caused the documents to be sent to the persons at the e-mail addresses listed. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on September 7, 2017, at Los Angeles, California.

Hong-An Vu
(Type or print name)

/s/Hong-An Vu
(Signature)